

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

Civil Action No. 01-12257-PBS

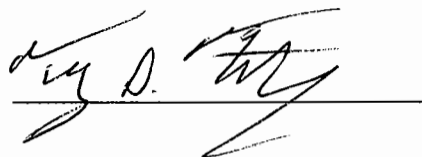
**DECLARATION OF TIMOTHY P. FITZGIBBONS IN SUPPORT OF
OPPOSITION OF PLAINTIFF BLUE CROSS AND BLUE SHIELD OF
MASSACHUSETTS, INC. TO DEFENDANTS' MOTION TO COMPEL**

I, Timothy P. Fitzgibbons, depose and state:

1. I am an employee of Blue Cross and Blue Shield of Massachusetts, Inc. ("BCBSMA"). Currently, I am an Associate Actuary. In that capacity, I provide financial analysis and support for contracted health services, especially in regard to Behavioral Health and Pharmacy Services. I have personal knowledge of the statements set forth herein.

2. When setting premiums, BCBSMA does not consider the cost of physician-administered drugs or the services associated with administering such drugs as individual cost categories. Except for a very recent analysis (that I understand has been or soon will be produced in this litigation), I am aware of no documents prepared or maintained by BCBSMA's Actuarial department in which the cost of physician-administered drugs or the services associated with administering such drugs is expressly referenced or analyzed in connection with BCBSMA's premium-setting activities.

Signed under the pains and penalties of perjury this 30th day of April, 2006.



CERTIFICATE OF SERVICE

I hereby certify that I, Stephen L. Coco, an attorney, caused a true and correct copy of the foregoing DECLARATION OF TIMOTHY P. FITZGIBBONS IN SUPPORT OF OPPOSITION OF PLAINTIFF BLUE CROSS AND BLUE SHIELD OF MASSACHUSETTS, INC. TO DEFENDANTS' MOTION TO COMPEL to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2, this 4th day of April, 2006.

/s/ Stephen L. Coco
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